

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF NEW YORK

Service Employees of Upstate New York Pension Fund,  
*by George Kennedy and Susan Nicholson, as Trustees ,*  
Plaintiff,

vs.

Civil Action No.  
5:11-CV-207 (NAM/GHL)

Blossom North Nursing and Rehabilitation Center,  
Defendant.

APPEARANCES:

OF COUNSEL:

Blitman, King Law Firm - Syracuse Office  
Franklin Center  
443 North Franklin Street  
Suite 300  
Syracuse, NY 13204-1415  
*Attorneys for Plaintiff*

Monica Robinson Heath, Esq

Jackson, Lewis LLP - Albany Office  
18 Corporate Woods Boulevard  
Albany, NY 12211  
*Attorney for Defendant*

Franklin H. Goldberger, Esq.

**Norman A. Mordue, Chief U.S. District Judge**

JUDGMENT DISMISSING ACTION  
BASED UPON SETTLEMENT

The Court has been advised by counsel that this action has been settled, or is in the process of being settled. (Dkt. No. 8) Accordingly, pursuant to N.D.N.Y.L.R. 68.2(a), it is hereby

ORDERED, as follows:

1) The above captioned case is hereby **DISMISSED** in its entirety **without prejudice** to re-opening upon the motion of any party within thirty days of the date of the filing of this order upon a showing that the settlement was not consummated;

2) The dismissal of the above captioned case shall become **with prejudice** on the thirty-

first day after the date of the filing of this order unless any party moves to re-open this case within thirty days of the date of filing of this order upon a showing that the settlement was not consummated. Upon completion of settlement, the parties are directed to exchange general releases and file a **Stipulation of Discontinuance** with the Court that must include language **"that no party hereto is an infant or incompetent"** in compliance with N.D.N.Y.L.R. 41.3; and

3) The Clerk shall serve copies of this Judgment upon counsel in this matter by electronic means.

IT IS SO ORDERED.

Dated: May 26, 2011  
Syracuse, New York

  
Norman A. Mordue  
Chief United States District Court Judge